IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 611 OF 2006

Mohd. Hanif Ibrahim Pawar ...Applicant.

V/s

The State of Maharashtra
and anr. ...Respondents.

Mr. S.S. Khan for the applicant.

Mr. H.S. Anand for original complainant

Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 27th February, 2006

P.C.:

1. Heard the learned Counsel for the applicant, the learned Counsel for respondent No.2 and the APP for the State.

2. This is an application for anticipatory bail. The applicant got married to respondent No.2 on 29/12/2003 as per Muslim Rites and Customs. One girl was born out of the marriage on 3/12/2004. The FIR was lodged

on 27/12/2005 for the offence punishable under section 498A of the Indian Penal Code. The application for anticipatory bail filed by the applicant was rejected by the Sessions Court.

3. The learned Counsel appearing on behalf of the applicant submitted that the present complaint has been filed after the applicant had given divorce according to Muslim Personal Law to respondent No.2. It is submitted that the applicant had not committed any offence. The learned Counsel invited my attention to the order passed by Panchayat in which finding was given that the applicant had not demanded dowry from the complainant. The perusal of the complaint, however, discloses that the allegations have been made by the complainant that on one occasion the applicant had tried to commit murder of the complainant and that she was harassed on various occasions and dowry was demanded from time to time.

4. Considering the nature of the averments made in the complaint, in my view, this is not a fit case for grant of anticipatory bail. In the result, the following order is passed:-

O R D E R

. Application for anticipatory bail is rejected.

. If an application is made for regular bail, the same may be considered on merits and the refusal to grant anticipatory bail by this Court should not be construed to mean that this Court has expressed any opinion on merits of the case.

. The applicant is given four days time to surrender.

. Application is accordingly disposed of.

V.M. KANADE, J.